

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGELO LOMANTO,  
Petitioner,

-v-

ANTHONIA ADUKE AGBELUSI,  
Respondent.

22-CV-7349 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

A telephone conference was held in this case on December 21, 2022. It is hereby

ORDERED as follows:

1. The bench trial, previously scheduled to begin on January 9, 2023, is hereby ADJOURNED to **February 13, 2023**, and will begin on that date at 9:30 a.m. in Courtroom 706, Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY.
2. The final pretrial conference scheduled for January 4, 2023, is adjourned *sine die*.
3. Dr. Edward Fernandez, Psy.D., N.Y.S. Lic. No. PSY 019609, is hereby appointed to conduct forensic evaluations of the minor children R.A.L. and S.M.L. The scope of Dr. Fernandez's work will include:
  - Interviewing the children and the parties on the following subjects:
    - Exposure of the children to grave risk of harm if repatriated to Spain;
    - The maturity of the children and any objections the children may have to repatriation;
    - Whether the children are well settled in the United States;
  - Observing each parent's interactions with the children;
  - Conducting psychological testing on the children if deemed warranted;
  - An invitation to the parents to sit for psychological testing if deemed warranted (though psychological testing is not required of either parent);
  - Reviewing the pleadings, and reviewing evidence provided by the parties' attorneys and the attorneys for the children;
  - Drafting a report, to be provided to the parties and children's counsel by February 3, 2023; and
  - Testifying at trial during the week of February 13, 2023.
4. Having considered Lomanto's request for sanctions against Agbelusi's counsel with respect to interactions with Dr. Favaro, and finding no sanctionable conduct, the Court denies the request for sanctions.

5. Having considered Lomanto's request for the appointment of a guardian *ad litem* on behalf of R.A.L. and S.M.L., and concluding that the children's interests will be sufficiently protected by their counsel and that such appointment is not warranted in the context of this case, the request is denied.
6. Counsel for Lomanto shall destroy any and all copies of the unredacted documents bearing Bates numbers AGBELUSI\_00000010-AGBELUSI\_00000021, and shall confirm by January 4, 2023 that any and all such unredacted copies in the possession of Petitioner or his counsel have been destroyed.
7. Counsel for Lomanto shall, on or before January 11, 2023, produce to counsel for Agbelusi, on an attorneys-eyes-only basis, a complete copy of the communications provided to the Court *in camera* following the November 21, 2022 telephone conference.
8. By January 11, 2023, the parties shall substantially complete document production, including all communications or other documents relevant to the claims and defenses in this matter.
9. Either party wishing to raise a discovery dispute with the Court shall file a letter succinctly setting forth any categories of documents that it believes the other party has failed to produce and the reasons such documents should be produced; the other party shall file any response within 7 days, explaining (1) whether such documents are in its possession, custody, or control, and (2) if so, why they should not be ordered to be produced.
10. By February 3, 2023, the parties shall file (1) a list of witnesses they expect to call at trial, with a brief summary of each witnesses expected testimony, (2) a list of exhibits to be offered into evidence, (3) pretrial briefs, and (4) a statement of stipulated facts.

SO ORDERED.

Dated: December 21, 2022  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge